

Public Document Pack



Contact Officer:
Maureen Potter 01352 702322

To: Edward Michael Hughes (Chairman)

Councillors: Patrick Heesom, Paul Johnson and Arnold Woolley

Co-opted Members:

Robert Dewey, Jonathan Duggan-Keen, Phillipa Ann Earlam and Kenneth Harry Molyneux

29 August 2017

Dear Sir/Madam

You are invited to attend a meeting of the Standards Committee which will be held at 6.30 pm on Monday, 4th September, 2017 in the Clwyd Committee Room, County Hall, Mold CH7 6NA to consider the following items

Please note that a training session for the Standards Committee members will be held from 6.00pm until 6.30pm.

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

3 MINUTES (Pages 3 - 10)

Purpose: To confirm as a correct record the minutes of the previous meeting.

4 DISPENSATIONS

Purpose: To receive any requests for dispensations.

5 **REVIEW OF DISPENSATIONS** (Pages 11 - 12)

Purpose: For Committee to review dispensations in accordance with the requirement to review dispensations annually.

6 **COMMITTEE MEMBERSHIP – VACANCY ON THE COMMITTEE** (Pages 13 - 16)

Purpose: To advise as to the need to fill a vacancy on the Committee and the opportunity to advertise for the vacancy on a joint basis with the Fire Authority.

7 **PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT FOR THE YEAR 2016/17** (Pages 17 - 40)

Purpose: To note the matters relating to Code of Conduct Complaints reported in the Public Services Ombudsman for Wales' Annual Report

8 **OMBUDSMAN'S VISIT TO JOINT MEETING OF STANDARDS COMMITTEE AND TOWN AND COMMUNITY COUNCILS**

Purpose: To discuss topics and questions received from delegates for the Ombudsman's visit to the Joint meeting of the Standards Committee and Town and Community Councils

9 **FORWARD WORK PROGRAMME** (Pages 41 - 42)

Purpose: For the Committee to consider topics to be included on the attached Forward Work Programme.

Yours faithfully



Robert Robins
Democratic Services Manager

STANDARDS COMMITTEE

3rd JULY 2017

Minutes of the meeting of the Standards Committee of the Flintshire County Council held at County Hall, Mold, on Monday, 3rd July 2017.

PRESENT: Ed Hughes (Chair)

Councillors:

Patrick Heesom, Paul Johnson and Arnold Woolley.

Co-opted Members:

Robert Dewey, Jonathan Duggan-Keen, Phillipa Earlam and Ken Molyneux.

IN ATTENDANCE:

Monitoring Officer, Deputy Monitoring Officer and Team Leader – Committee Services

Councillor Clive Carver was in attendance for agenda item number 4, Dispensations.

10. DECLARATIONS OF INTEREST (including whipping declarations)

Councillor Heesom declared a personal and prejudicial interest in agenda item number 4 on the dispensation requests which related to Mostyn Community Council. He left the room during the consideration of those requests for dispensation.

11. MINUTES

The minutes of the meeting held on 5th June 2017 were submitted.

On minute number 1, Quorum, and in response to a question from Mr Molyneux, the Monitoring Officer explained that he would circulate the list to members of the Committee which provided details of when each of the co-opted members were appointed and what date they were due to serve until.

On minute number 6, Member Induction, Mr Molyneux said he had not yet received the details of the political parties following the election. The Team Leader – Committee Services advised she would circulate the details to all members of the Committee.

On minute number 7, Local Resolution Procedure for Town and Community Councils, the Monitoring Officer explained that he had written to Town and Community Council Clerks to explain the Committee's resolution. A report would also be submitted to the next meeting of the County Forum. Mr Duggan-Keen commented that he was aware Denbighshire County Council had adopted a local resolution procedure for Town and Community Councils which the Monitoring Officer said he was not aware of but he would make enquiries with colleagues at Denbighshire.

RESOLVED:

That the minutes be received, approved and signed by the Chairman as a correct record.

12. DISPENSATIONS

Following despatch of the agenda, four dispensation requests had been received from County Councillor Clive Carver, Mostyn Community Councillor Peter Gibbons, Mostyn Community Councillor Angela Tattum and Mostyn Community Councillor David Roney. The Chair advised that as the three dispensations from Mostyn Community Councillors were identical, they would be dealt with together.

County Councillor Clive Carver

The Committee were asked to consider a request for dispensation submitted by County Councillor Clive Carver “to be able to communicate, in writing, telephone or in person, with the Clerk of Hawarden Community Council and to be able to discuss the matter with other Hawarden Community Councillors, both at and outwith Hawarden Community Council meetings, the more so since there are four Hawarden Community Councillors on the Hawarden Institute Management Committee”.

Councillor Carver explained that the dispensation related to works to Hawarden Community Council’s Council Chamber. He was a member of Hawarden Community Council which rented the Council Chamber from the Hawarden Institute for which body he was the Chair of the Management Committee. Following the increase in the number of Ewloe Ward Councillors from four to seven from the May 2017 elections, it had previously been decided to investigate the best way of accommodating the additional Members within the Council Chamber, ideally carrying out the work so that it would be ready for the meeting following the AGM. It was his understanding that the Community Council would take the lead in the design and for the Management Committee to be consulted on the plans for the work. The process had stalled and it was difficult to progress.

The Monitoring Officer sought clarity on the basis of which Councillor Carver had been appointed to the Hawarden Institute body. Councillor Carver explained that he had been appointed by Hawarden Community Council at the AGM. Following that explanation, the Monitoring Officer explained that Councillor Carver did not require a dispensation as paragraph 12(2)(a)(iii) of the Members’ Code of Conduct meant that his interest was personal but not prejudicial. This was because he had been appointed to the body by the Community Council. He also added that should a planning application be submitted in relation to the works then this exemption would not apply. A letter would be sent to Councillor Carver from the Monitoring Officer to provide him with the details which would offer adequate protection if required and explain the situations where that exemption would not apply.

Mostyn Town Councillors Peter Gibbons, Angela Tattum and David Roney

Having earlier declared an interest in this part of the item, Councillor Heesom left the room.

The Deputy Monitoring Officer provided details of the background to the applications which related to an agenda item at Mostyn Community Council which was requesting match funding for Mostyn Sports and Leisure Group (charity number 1170389) with a further 70% from Cadwyn Clwyd to secure a bid for a LEADER grant from the rural development programme. All three Community Councillors were trustees. The Deputy Monitoring Officer explained that when the item was due to be considered at the recent meeting of the Community Council, the item had to be deferred due to not enough information being available due to those three Members declaring personal and prejudicial interests and leaving the room. He confirmed that the relevant paragraphs under which dispensations were sought were (f) and (h).

Councillor Woolley and Mr Dewey spoke in support of the applications on the basis of, if dispensations were not granted, the item would not be able to be discussed due to the lack of information being available.

RESOLVED:

County Councillor Clive Carver

That a letter be sent to Councillor Carver to advise that his interest was not prejudicial and provide him with the details which would offer adequate protection if required. The situations where that exemption would not apply would also be explained.

Community Councillor Peter Gibbons

That Community Councillor Peter Gibbons be granted dispensation under paragraphs (f) and (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak and/or answer questions at Mostyn Town Council meetings in relation to agenda items on match funding for Mostyn Sports and Leisure Group, and to leave the room during the debate and when the matter is voted on. Also to speak to officers provided that there was a witness which would ensure that at least three people would be present, and that the conversation be minuted.

Community Councillor Angela Tattum

That Community Councillor Angela Tattum be granted dispensation under paragraphs (f) and (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak and/or answer questions at Mostyn Town Council meetings in relation to agenda items on match funding for Mostyn Sports and Leisure Group, and to leave the room during the debate and when the matter is voted on. Also to speak to officers provided that there was a witness which would ensure that at least three people would be present, and that the conversation be minuted.

Community Councillor David Roney

That Community Councillor David Roney be granted dispensation under paragraphs (f) and (h) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 to speak and/or answer questions at Mostyn Town Council meetings in relation to agenda items on match funding for Mostyn Sports and Leisure Group, and to leave the room during the debate and when the matter is voted on. Also to speak to officers provided that there was a witness which would ensure that at least three people would be present, and that the conversation be minuted.

13. REAPPOINTMENT OF TOWN AND COMMUNITY COUNCIL REPRESENTATIVE

The Monitoring Officer explained that a report had been submitted to the Annual Meeting of the Council recommending that Councillor Duggan-Keen, the current Town and Community Council representative on Standards Committee, be reappointed for a further term which had been agreed.

Councillor Johnson asked for details on the process of nominating representatives for the position. The Monitoring Officer explained that he had consulted with Town and Community Councils asking for their observations on the reappointment of Councillor Duggan-Keen or if any alternative nominations were proposed. Only two responses had been received, both of which had no objections to the reappointment.

In response to a further question, the Monitoring Officer explained that the appointment term was for 5 years at which time Councillor Duggan-Keen will have served the maximum number of terms. Following a discussion, it was agreed that the Monitoring Officer would contact Welsh Government to explain the difficulties encountered on a recruitment process needing to begin before the next election without knowing who would be elected.

RESOLVED:

- (a) That it be noted that no Town or Community Council objected to the reappointment of Councillor Duggan-Keen;
- (b) That the Monitoring Officer contact Welsh Government to highlight the difficulties encountered in the recruitment process due to timing; and
- (b) That a report be submitted to the September meeting of County Council recommending that Councillor Duggan-Keen be reappointed for a further term.

14. CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILS

The Monitoring Officer introduced the report and explained that the Council provided three training session for Town and Community Councillors on the Code of Conduct and Governance where 54 Councillors from 23 Council attended.

Due to a number of Councils having insufficient candidates for election and them being required to co-opt Councillors, there would be a number of Councillors who would not have been able to attend the training sessions that had been held. Therefore a further training session in September would be provided, the date of which was to be confirmed.

The Monitoring Officer asked if any of the members of Standards Committee would like to participate in that training session to which Mr Dewey said he would. The Chair also said he could take part subject to his availability.

In response to a question from Councillor Johnson, the Monitoring Officer explained that an annual training session was held for Town and Community Councils which usually covered the same topics however he would contact them and ask if they had anything specific they would welcome training on. Depending on the response and the areas in which they felt they needed training in, he would need to seek agreement from the relevant Chief Officers that they could commit to that resource. An alternative could be targeted training sessions before the Community Forum meetings. He would discuss the options with colleagues.

RESOLVED:

- (a) That the training provided be noted along with the additional date scheduled for September; and
- (b) That the Monitoring Officer contact Town and Community Councils to ask if they required training on any particular topics.

15. ANNUAL REPORT BY MEMBERS

The Monitoring Officer introduced the report which provided details from previous meetings where annual reports by Members had been discussed.

In May 2016, Standards Committee resolved "*That Members be contacted in May each year with a template annual report and be advised that any completed reports could be placed on the Council's website by Democratic Services*". Following the local elections, and in accordance with that minute, it was now appropriate to remind Members of the procedure.

In response to a question from Councillor Johnson, the Monitoring Officer explained that it was not a mandatory requirement for Members to produce an annual report, but it was mandatory for the Council to publish them on the website if any were produced. He added that a number of Members produced extensive newsletters so may not wish to also produce an annual report.

Following a discussion the Committee recognised the benefits of social media if used appropriately and it was agreed that the WLGA guidance on the use of social media would be circulated to all Members.

RESOLVED:

- (a) That all Members be advised of the procedures for writing annual reports; and
- (b) That the WLGA guidance on the use of social media be circulated to all Members.

16. FORWARD WORK PROGRAMME

The Monitoring Officer introduced the forward work programme and invited topics for future training sessions.

He explained that the meeting on 2nd October 2017 was the joint meeting with Town and Community Councils. The Ombudsman, Mr Nick Bennett would be in attendance at that meeting and he suggested that a suitable item for that meeting would be the Public Services Ombudsman's Annual Report which was supported. It was agreed that any questions from Standards Committee members would be submitted to the Monitoring Officer by the end of July which would then be sent to the Ombudsman to allow sufficient time for responses to be prepared. The Monitoring Officer would also offer the same to Town and Community Councils and a report would be submitted to Standards Committee in September in advance of the joint meeting in October.

The following items for the September meeting were also agreed:

- Terms of Office for Standards Committee lay members; and
- Review of dispensations.

RESOLVED:

- (a) That the Forward Work Programme be noted including the items above; and
- (b) That the Monitoring Officer contact Town and Community Council to ask that any questions they wished to ask of the Ombudsman at the joint meeting in October be sent to him by the end of July, including those submitted by Standards Committee members.

17. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the press or public in attendance.

The meeting commenced at 6.30pm and ended at 7.30pm.

.....
Chairman

This page is intentionally left blank



STANDARDS COMMITTEE

Date of Meeting	Monday, 4 September 2017
Report Subject	Review of Dispensations
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

A dispensation granted by the standards committee of a relevant authority under section 81(4) of the Local Government Act 2000 (the Act) and which remains in effect, must be reviewed by the standards committee once in every 12 month period from the date on which the dispensation is first granted.

When conducting a review the standards committee must determine whether the dispensation should continue to have effect.

RECOMMENDATIONS

1	To review the dispensations granted by the committee which remain in effect, as well as the dispensations that have recently expired but which the relevant Councillors require to be extended, and determine whether each of those dispensations should continue to have effect or be extended.
---	--

REPORT DETAILS

1.00	
1.01	The Deputy Monitoring Officer has reviewed the dispensations granted by the Committee in order to ascertain which dispensations continue to have effect and require review, and which dispensations have recently expired but which the relevant Councillors wish to be extended.

2.00	RESOURCE IMPLICATIONS
2.01	N/A

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Councillors who have an effective dispensation have been advised of the requirement of the Committee to review their dispensation and to decide whether they shall continue to have effect, as have those who have a dispensation that has recently expired.

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	N/A

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	N/A Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	N/A



STANDARDS COMMITTEE

Date of Meeting	Monday, 4 September 2017
Report Subject	Committee Membership:- Vacancy on the Committee
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

The Committee should be made up of nine members but currently has a vacancy in its composition, which requires the appointment of a further lay member. The Fire Authority is also currently seeking to appoint a lay member to their standards committee. The committee therefore has the opportunity to consider advertising jointly with the Fire Authority in respect of the appointment and also to consider the possibility of a joint appointment in order to reduce costs and lend greater prominence to the campaign for the appointment.

RECOMMENDATIONS

1	To seek agreement from the Fire Authority to jointly advertise with the Council for a lay member to the authorities' respective standards committees, and to explore the possibility of a joint appointment with the Fire Authority.
---	--

REPORT DETAILS

1.00	
1.01	The Committee, pursuant to the Council's Constitution, is to be composed of nine members, to include five "independent" or "lay" Members, who are not either a Councillor or an Officer or the spouse of a Councillor, or an Officer of this Council, or any other relevant Authority (as defined by the Local Government Act 2000); Three Councillors other than the Leader and not more than one Member of the Executive; and one Community Council Member.

1.02	The Committee currently has a vacancy, as there are only four lay Members on the Committee.
1.03	Appointments to the Committee must be made in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended) (the Regulations).
1.04	<p>That procedure has certain publicity requirements under Regulation 13 as follows:-</p> <p>(1) Where a vacancy arises for a post as an independent member of a standards committee the relevant authority concerned shall publish an advertisement in not less than two newspapers (which are not published by that relevant authority) circulating in its area.</p> <p>(2) The advertisement referred to in paragraph (1) above shall notify the local government electors for the relevant authority's area that the relevant authority is seeking to appoint an independent member to its standards committee.</p> <p>(3) A relevant authority may publish an advertisement in connection with any vacancy for a post as an independent member on that relevant authority's standards committee in any newspaper that it publishes.</p>
1.05	The term of office for a lay member of the Committee is to be not less than four and not more than six years.
1.06	The Regulations require an appointment panel to be set up and require specific criteria to be established for any lay member appointment to the Committee.
1.07	The Fire Authority for North Wales also needs to fill a vacancy for a lay member on their standards committee.
1.08	The costs of the required publicity, establishment of requisite criteria and establishment of an appropriate appointment panel, can be reduced if those costs are shared between the Council and the Fire Authority. Further, if costs are shared, there is the potential to give greater prominence to the advertisement campaign.
1.09	There is also the potential to make a joint appointment and then share the costs of remunerating the appointed member between the Fire Authority and the Council. There may be difficulties in this regard, given that the Fire Authority covers the whole of North Wales and, depending on the location of applicants, there may be a reluctance to travel between authorities. However, the campaign could potentially look to recruit either one person for both authorities or two people, with one person for each authority's committee.

2.00	RESOURCE IMPLICATIONS
2.01	The cost of the appointment and associated with making the appointment, including the campaign and publicity.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Fire Authority for North Wales.

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	N/A

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	N/A Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	N/A

This page is intentionally left blank



STANDARDS COMMITTEE

Date of Meeting	Monday, 4 September 2017
Report Subject	Public Services Ombudsman for Wales Annual Report for the Year 2016/17
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

The Public Services Ombudsman for Wales (PSOW) has published his Annual Report (AR) for 2016/2017 pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005.

This report summarises the headline matters in the AR with a particular focus on matters relating to standards of county & town and community councillors.

RECOMMENDATIONS

1	To note the matters relating to Code of Conduct Complaints (CCC's) reported in the AR.
---	--

REPORT DETAILS

1.00	
1.01	The PSOW has published his AR for 2016/2017 pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005. This is the first time that the AR has been combined with annual accounts for the PSOW.
1.02	The purpose of the AR is to report on the performance of the PSOW's office over the year and to deliver any key messages arising from the work carried out during the year.

1.03	This report summarises the headline matters in the AR with a particular focus on matters relating to standards of county & town and community councillors.
1.04	The AR sets out the workload that has been dealt with by the PSOW during 2016/2017. It breaks the workload down into the number of enquiries received and the number of complaints received, and also breaks down the complaints into those received about services (public body complaints) and those received in relation to Code of Conduct Complaints (CCC's). This report will highlight the data relating to CCC's only (issues arising from public services or the annual accounts section of the AR are beyond the scope of this report).
1.05	While the number of public services complaints have risen by 3%, the number of CCC's has fallen by 14%. For the year 2015/16 CCC's had risen by 19% (from 231 in 2014/15 to 276 In 2015/16). That rise was due to complaints from Town and Community Councillors (which had risen by 49% since 2014/15). The total number of complaints for the year 2016/17 were 236. 37% of the complaints related to the promotion of equality and respect; 23% related to the failure to disclose or register interests; 14% related to failure to be objective or act with propriety and 4% related to accountability and openness. Of those complaints, 248 were closed (down 6% on last year) and 44 were investigated (up 19% on last year).
1.06	Further details of CCC's is contained at pages 13 to 14, and 20 to 21 of the AR. Statistical data is contained at Annex B (pages 105 – 108) of the AR. Of the 248 Code of Conduct complaints closed in 2016/17, the majority (184) were closed under the category 'Closed after initial consideration.' This includes decisions such as <ul style="list-style-type: none"> •there was no 'prima facie' evidence of a breach of the Code •the alleged breach was insufficiently serious to warrant an investigation (and unlikely to attract a sanction).
1.07	The PSOW considers that the drop in the level of CCC complaints by over 14% is particularly encouraging given that historically complaints increase in the period before local elections.
1.08	The PSOW considers that the introduction of the Public Interest Test has reduced the number of low-level complaints being considered by his office and points out that on the rare occasions where serious matters have been referred to the Adjudication Panel for Wales (the APW) during the year, the APW have found breaches of the code.
1.09	With regard to code of conduct closed cases, a greater number were fully investigated this year (34) compared to 2015/16 (27). Six cases were referred either to local authority's standards committee or to the Adjudication Panel for Wales in 2016/17, the same number as the previous year.
1.10	The AR also notes the publication of the updated Code of Guidance for County and town/community Councillors.

2.00	RESOURCE IMPLICATIONS
2.01	N/A

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	N/A

4.00	RISK MANAGEMENT
4.01	N/A

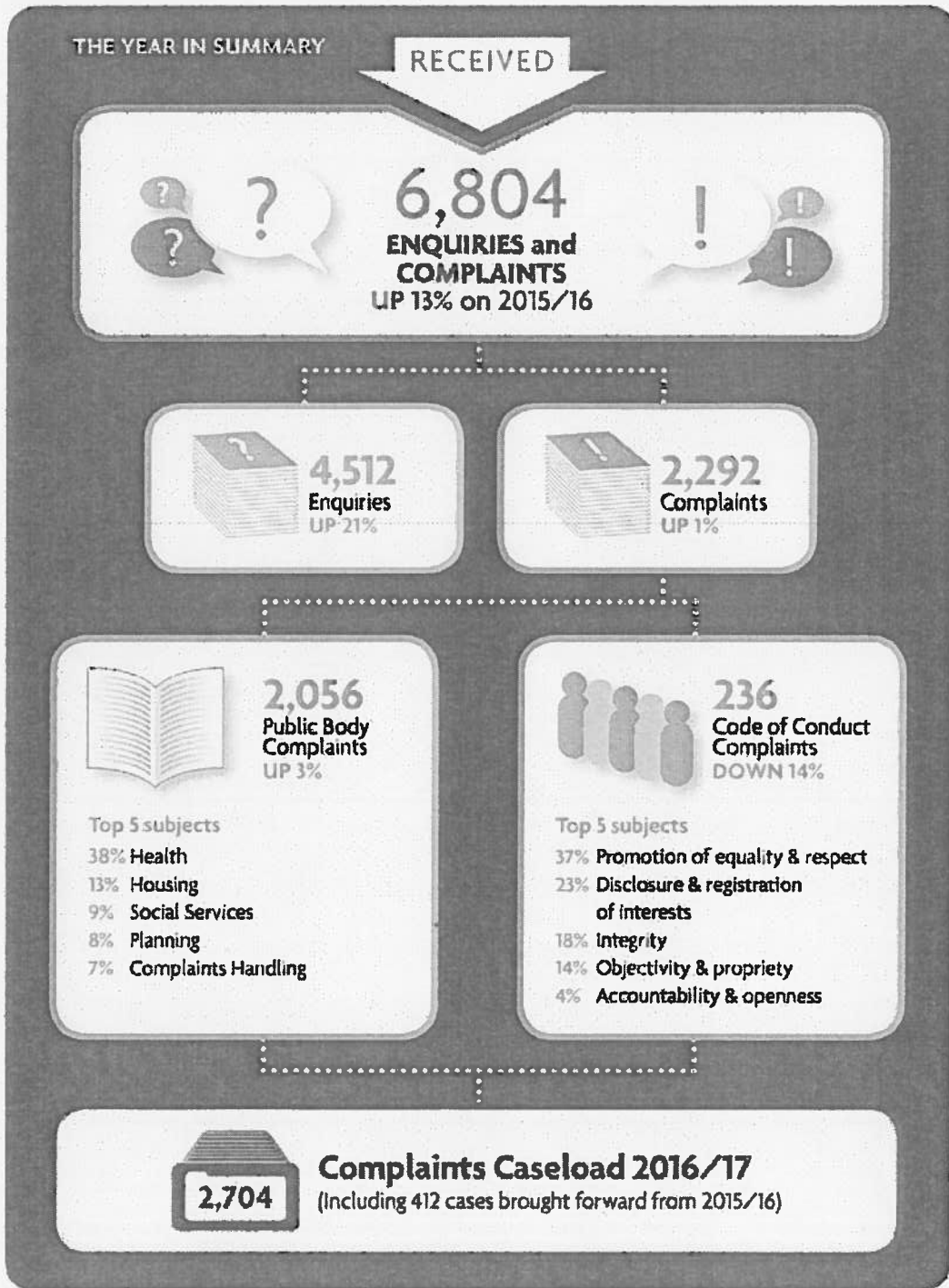
5.00	APPENDICES
5.01	Pages 12 to 23 of the AR and Annex B of the AR

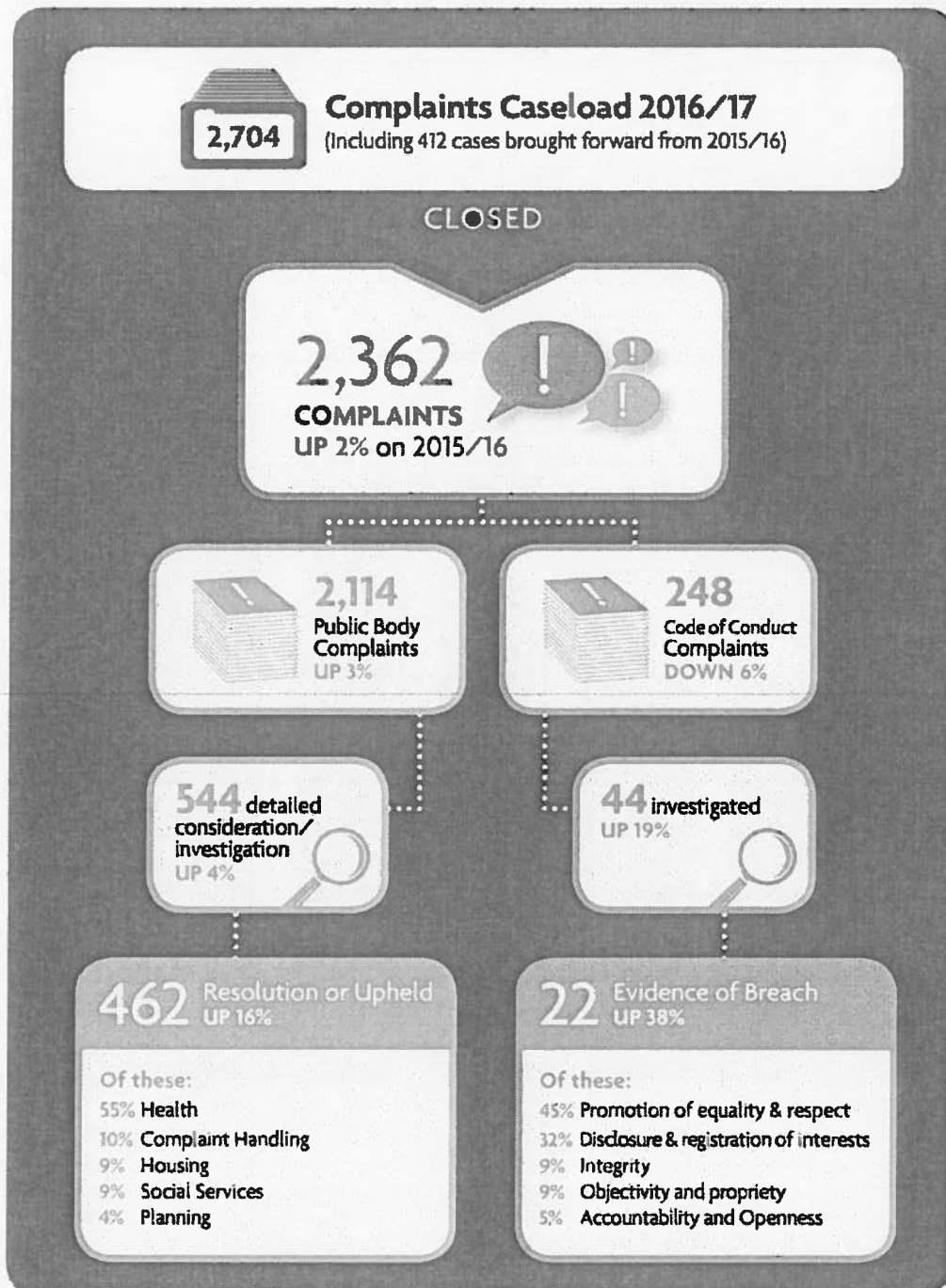
6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>http://www.assembly.wales/laid%20documents/agr-ld11135/agr-ld11135-e.pdf</p> <p>Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	PSOW:- the Public Services Ombudsman for Wales whose duty it is to investigate complaints made by members of the public in relation to the actions and decision making of public bodies in Wales.
7.02	AR:- Annual Report of the PSOW for 2016/17
7.03	CCC's:- Code of Conduct Complaints

This page is intentionally left blank

The Complaints Service

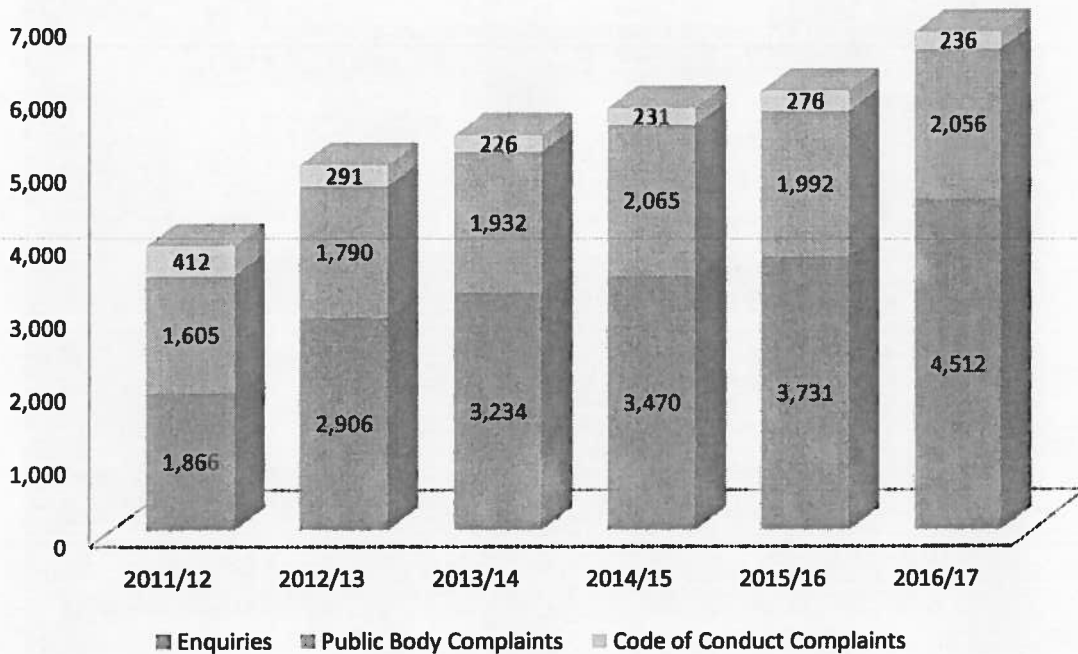




Overall Casework Statistics

The number of enquiries and complaints (public body complaints, and complaints about the conduct of members of local authorities) totalled 6804 during 2016/17 which is a 13% increase on the position for 2015/16. Over the past six years, overall casework has increased by 75%.

Total Enquiries and Complaints received by year



Enquiries

The office dealt with 4,512 enquiries during 2016/17 compared with 3,731 the previous year. This is a 21% increase. Despite this increase we have continued to maintain a fast and efficient service at the frontline.

We set ourselves the target of answering our main line reception calls within 30 seconds in 95% of cases. The Team performed impressively in this regard, answering 98% of calls within this timescale.

An enquiry is a contact made by a potential complainant asking about the service provided, which does not, result in a formal complaint being made to me at that time. At this point in our service we will advise people how to make a complaint to me or, where the matter is outside my jurisdiction, direct the enquirer to the appropriate organisation able to help them. Where appropriate, the Complaints Advice Team will also seek to resolve a problem at enquiry stage without taking the matter forward to the stage of a formal complaint.

Public Body Complaints

During 2016/17 we received 2,056 complaints about public sector providers – a 3% increase on the previous financial year. This brings public body complaints to a similar level as 2014/15 when my office received 2,065 complaints.

Sectoral breakdown of complaints received

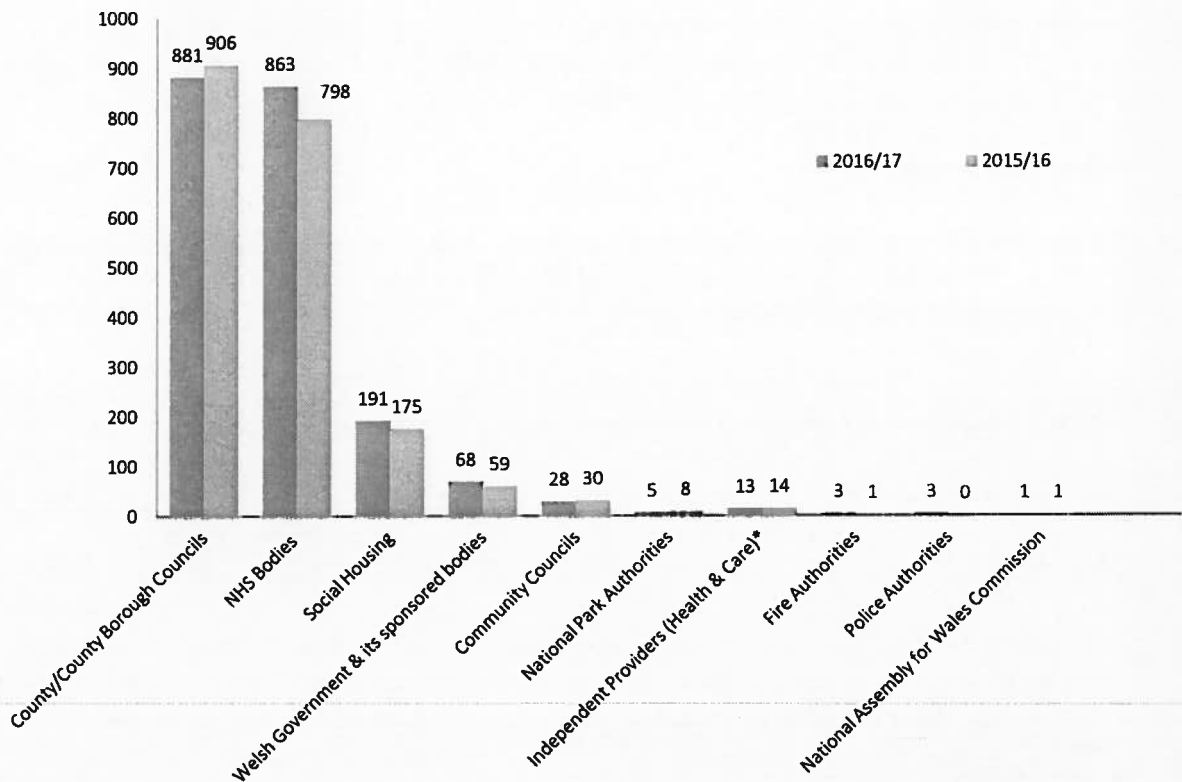
County councils have always generated the most complaints to this office due to the wide range of services they provide. However, for the second year running there has been a decrease in the number of complaints – down from 906 during 2015/16 to 881 in 2016/17.

Once again there has been an increase in complaints about NHS bodies. These include complaints about Local Health Boards, NHS trusts, GPs and dentists. There was a 8% increase in complaints about health bodies compared with 2015/16 (863 compared with 798)

Complaints about NHS Bodies have increased by 8% from 798 in 2015/16 to 863 in 2016/17. A large proportion of that increase is due to a rise in complaints **received** about Betsi Cadwaladr University Health Board of 23%.

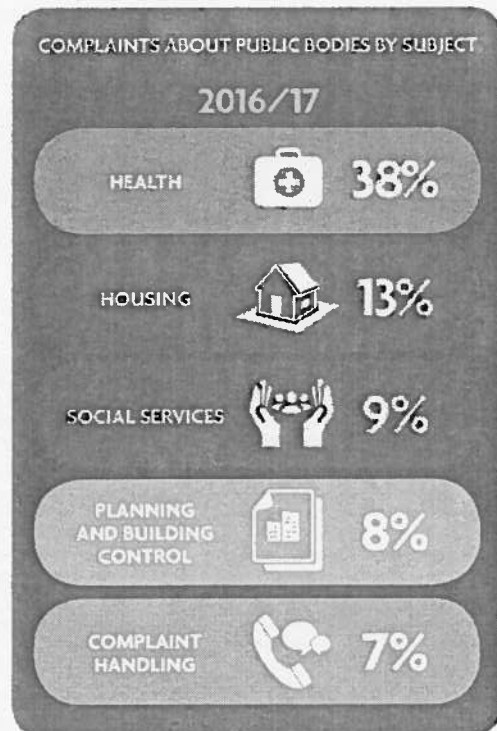
The chart on page 16 shows the distribution of the complaints received by sector.

Complaints received by public body sector

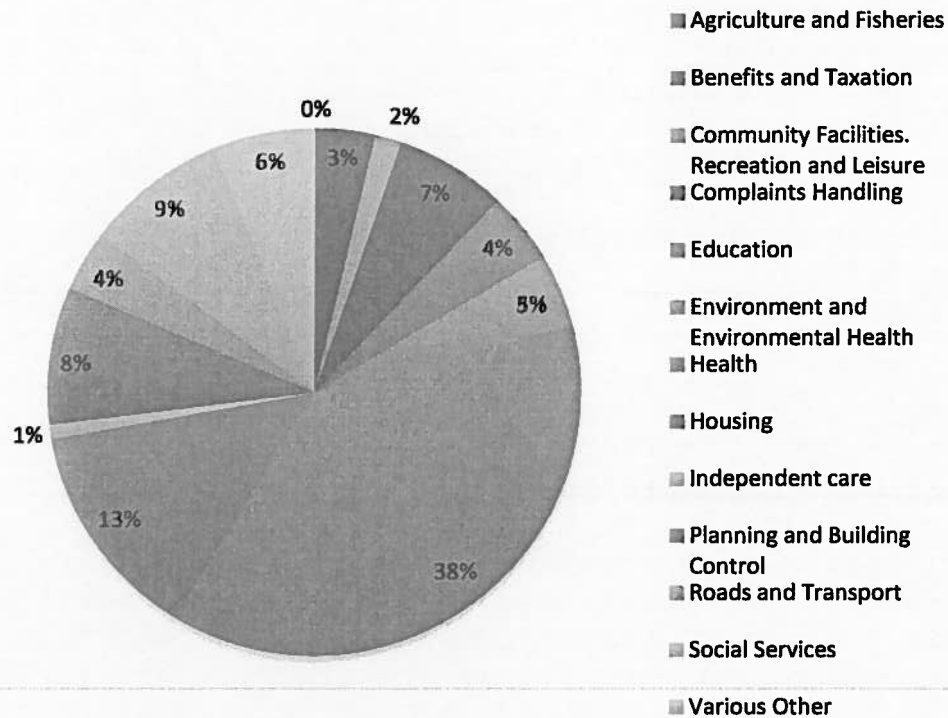


Complaints received about public bodies by subject

As consistent with previous years, health was the major part of our office caseload, up from 36% last year to 38% this year. This was followed by housing (13%) and planning and building control (8%). Social Services remained at a similar proportion as the previous financial year at 9%.



Complaints received about public bodies by subject



Outcomes of complaints considered

We closed 2,114 complaints about public service providers during the past year compared with 2,050 in 2015/16 (an increase of 3%). A summary of the outcomes is set out in the table below and detailed breakdowns of the outcomes by public service provider can be found at Annex A.

I am pleased that staff have managed to achieve this level of case closures during the year, together with the fact that the number of cases on hand at the end of 2016/17 stood at 345, compared with 412 at the end of 2015/16 (which is a reduction of 13%). This is well within what I consider to be a reasonable caseload for the office to have open at any one time.

Complaint about a Public Body	2016/17	2015/16
Closed after initial consideration	1570	1488
Complaint withdrawn	0	41
Complaint settled voluntarily	287	227
Investigation discontinued	16	19
Investigation: complaint not upheld	66	105
Investigation: complaint upheld in whole or in part	168	163
Investigation: complaint upheld in whole or in part – public interest report	6	7
Investigation: complaint upheld in whole or in part – public interest report (S22)	1	0
Total Outcomes – Complaints	2114	2050

Decision times

Time taken to tell the complainant if I will take up their complaint

We set ourselves a target to tell complainants whether or not I will take up their complaint. This year we introduced new key performance indicators. Previously there was a blanket four week target for all complaints, regardless of complexity. This has been changed to ensure the focus is on measuring against the service user's experience rather than the previous internal focus.

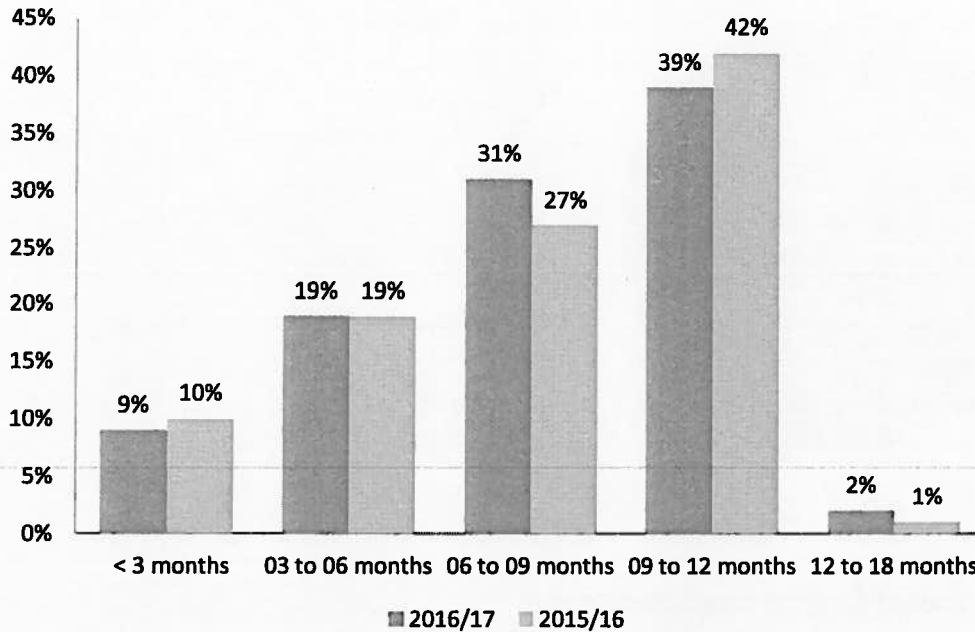
The new decision times are as follows:

- Decision on whether complaint within jurisdiction/premature - within 3 weeks.
- Decision on whether to investigate, following detailed assessment - within 6 weeks.
- Where decision to seek early resolution without need to investigate, resolution achieved - within 9 weeks.
- Date sufficient information received (DSIR) from complainant to investigation start date – within six weeks

	Percentage 2016/17
Decision on whether complaint within jurisdiction/premature – within three weeks	95%
Decision on whether or not to investigate, following detailed assessment - within six weeks.	92%
Where decision to seek early resolution without need to investigate, resolution achieved – within nine weeks	95%
DSIR to Investigation start date – within six weeks	80%

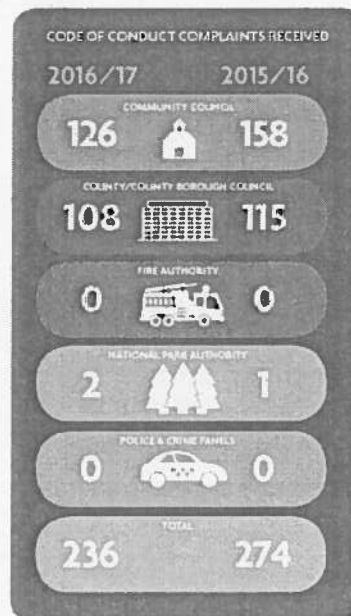
Investigation Decision Times

In 2016/17 we completed 98% of investigations within 12 months, against the 100% target we set ourselves. There were seven investigations that went over 12 months. These cases were complex and required further investigatory work, or where there were significant challenges to draft findings by the complainant or public body. The chart below gives further details on investigation timescales.



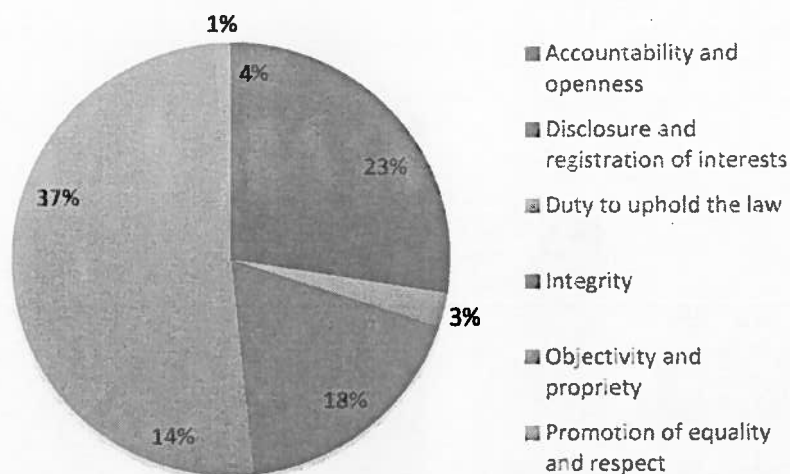
Code of Conduct Complaints

The number of code of conduct complaints decreased by 14% compared with 2015/16 (236 in 2016/17 against 274). This is encouraging considering historically, code of conduct complaints increase in the period before local elections.



Nature of Code of Conduct complaints received

The majority of complaints received during 2016/17 related to matters of 'promotion of equality and respect' accounting for 37% of the complaints made to me. (this was 41% in 2015/16). Disclosure and registration of interests (23%) and Integrity (18%) were the next largest areas of complaint which is consistent with the previous year.



Summary of Code of Conduct complaint outcomes

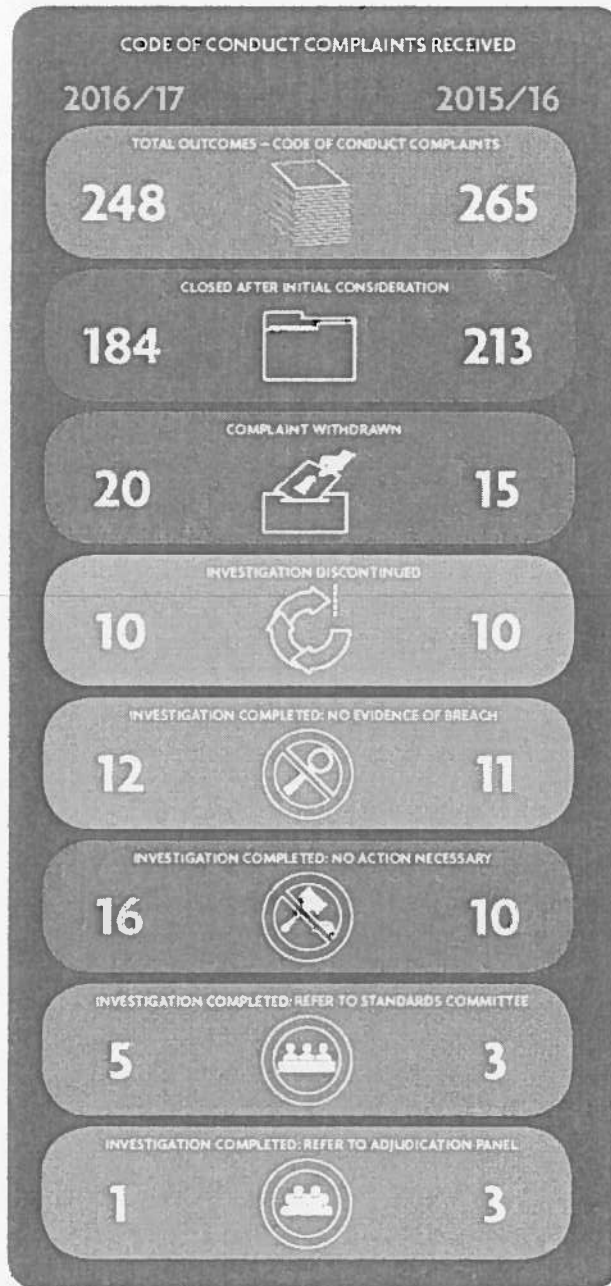
Of the 248 Code of Conduct complaints closed in 2016/17, the majority (184) were closed under the category 'Closed after initial consideration.'

This includes decisions such as

- there was no 'prima facie' evidence of a breach of the Code
- the alleged breach was insufficiently serious to warrant an investigation (and unlikely to attract a sanction)

With regard to code of conduct closed cases, a greater number were fully investigated this year (34) compared to 2015/16 (27). Six cases were referred either to local authority's standards committee or to the Adjudication Panel for Wales in 2016/17, the same number as the previous year. In these circumstances it is for these bodies to consider the evidence found, together with any defence put forward by the member concerned. It is then for them to determine whether a breach has occurred and, if so, what penalty, if any, should be imposed.

A breakdown of the outcomes is below:



A detailed breakdown of the outcome of Code of Conduct complaints investigated, by authority, during 2016/17 is set out in the Annex.

Decision times

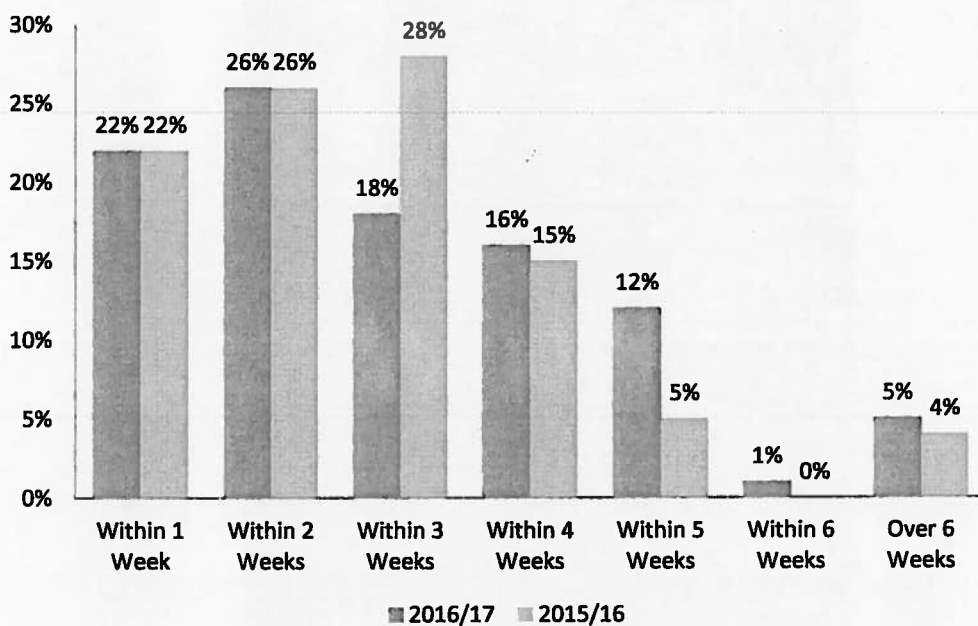
Time taken to tell the complainant if I will take up their complaint

In respect of Code of Conduct complaints, 82% of complainants were informed within four weeks of whether I would take up their complaint (from the date that sufficient information is received). This is considerably lower than during 2015/16 where 91% were informed within four weeks.

However, this is partially explained by the fact that a greater number of complaints this year reached investigation. I consider that it is fairer for us to take into consideration what a member has to say before taking a decision and this process can take some time. This is because the commencement of a formal investigation against a member is a stressful and serious matter for the member being complained about.

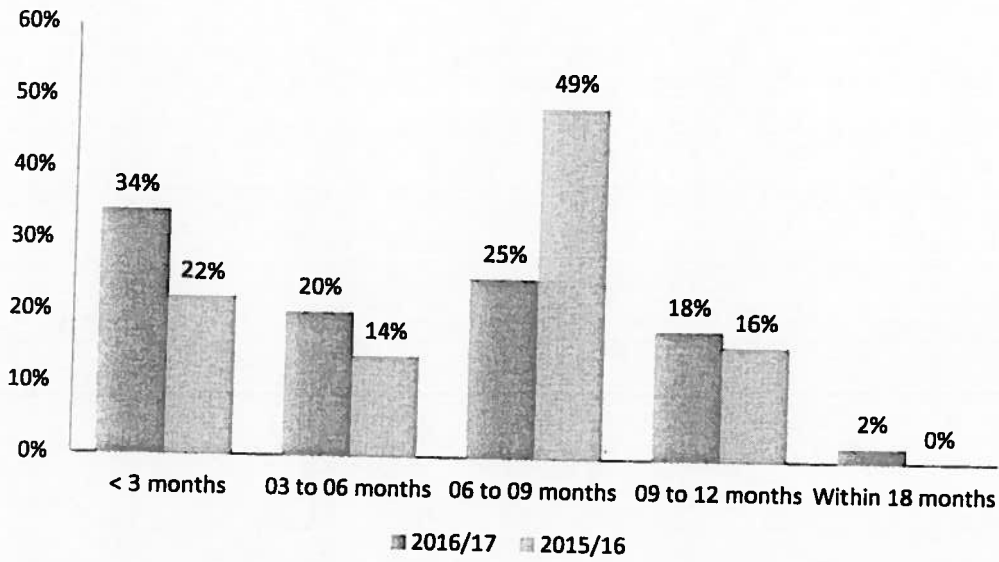
Further details on these decision timescales are shown below.

Code of Conduct time taken to tell the complainant if I will take up their complaint



Decision times for concluding Code of Conduct investigations

Comparing performance against 2015/16, a greater percentage of investigations were closed within three months (34% compared to 22% in 2015/16.)



Annex B: Code of Conduct Complaints closed – Statistical Breakdown by outcomes by local authority

County/County Borough Councils

County/County Borough Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Blaenau Gwent	1	0	0	0	0	0	0	1
Bridgend	3	0	0	1	0	0	0	4
Caerphilly	6	0	1	0	0	0	0	7
Cardiff	4	0	0	0	0	1	0	5
Carmarthenshire	1	0	0	0	0	0	0	1
Ceredigion	5	0	0	0	0	0	0	5
Conwy	1	0	0	1	0	0	0	2
Denbighshire	6	0	0	0	0	0	0	6
Flintshire	3	0	1	0	0	0	0	4
Gwynedd	3	0	0	0	0	0	0	3
Isle of Anglesey	2	0	0	1	0	0	0	3
Merthyr	0	1	0	0	0	0	0	1
Monmouthshire	7	0	1	0	0	0	0	8
Neath Port Talbot	1	0	0	0	1	0	0	2
Newport	1	0	0	0	0	0	0	1
Pembrokeshire	2	0	0	0	0	0	0	2
Powys	16	0	1	0	3	0	2	22
Rhondda Cynon Taf	6	0	1	0	0	0	0	7
Swansea	12	1	0	0	0	0	0	13
Torfaen	3	0	0	0	1	0	0	4

Vale of Glamorgan	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Wrexham	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
TOTAL	88	2	5	3	5	3	5	1	5	1	2	1	2	1	2	106				

Community/ Town Councils

Community/Town Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Abergele Town Council	4	0	0	0	0	0	0	4
Aberporrh Community Council	8	0	0	0	0	0	0	8
Abertillery & Llanhilleth Community Council	3	0	0	0	0	0	0	3
Aberystwyth Town Council	0	0	0	1	0	0	0	1
Amlwch Town Council	1	0	0	0	0	0	0	1
Bangor City Council	1	0	0	0	0	0	0	1
Barry Town Council	3	0	0	0	0	0	0	3
Bedwas, Trethomas & Machen Community Council	1	0	0	0	0	0	0	1
Bodelwyddan Town Council	0	0	0	1	0	0	0	1
Coity Higher Community Council	1	0	0	0	0	0	0	1
Cornelly Community Council	0	1	0	0	0	0	0	1
Cwmmaman Town Council	0	0	0	1	0	0	0	1
Fishguard & Goodwick Town Council	1	0	0	0	0	0	0	1
Glynnneath Town Council	14	0	0	0	0	0	0	14
Gwaun Cae Gurwen Community Council	1	0	0	0	0	0	0	1
Kidwelly Town Council	0	0	0	1	0	0	0	1
Laleston Community Council	2	0	0	0	0	0	0	2
Langstone Community Council	0	0	2	0	0	0	0	2

INNOVATION, IMPROVEMENT, INFLUENCE

Llandrindod Wells Town Council	2	0	0	0	0	0	0	0	0	0	0	2
Llandudno Town Council	3	0	0	0	0	0	0	0	0	0	0	3
Llandwrog Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Llanelli Rural Council	4	0	0	0	0	2	0	0	0	0	0	6
Llanelli Town Council	1	0	0	0	0	0	0	0	0	0	0	1
Llanelli Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Llanfihangel Glyn Myfyr Community Council	1	1	0	0	0	0	0	0	0	0	0	2
Llangefni Town Council	9	0	0	1	0	0	0	0	0	0	0	10
Llangennech Community Council	2	0	0	0	0	0	0	0	0	0	0	2
Llangynog Community Council	1	1	0	0	0	0	0	0	0	0	0	2
Llantrisant Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Llantwit Major Town Council	1	0	0	0	0	1	0	0	0	0	0	2
Magor with Undy Community Council	2	0	0	1	0	0	0	0	0	0	0	3
Manorbier Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Milford Haven Town Council	2	0	0	0	0	0	0	0	0	0	0	2
Mold Town Council	1	0	0	0	0	0	0	0	0	0	0	1
Mumbles Community Council	2	3	0	0	0	3	0	0	0	0	18	26
Northop Hall Community Council	2	0	0	0	0	0	0	0	0	0	0	2
Ogmore Valley Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Pen-Y-Cae Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Pontyclun Community Council	2	0	0	0	0	0	0	0	0	0	0	2
Pontypridd Town Council	4	0	0	0	0	0	0	0	0	0	0	4
Prestatyn Town Council	5	2	0	0	0	1	0	0	0	0	0	8
Queensferry Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Radyr and Morganstown Community Council	0	0	0	3	0	0	0	0	0	0	0	3
Saltney Town Council	1	0	0	0	0	0	0	0	0	0	0	1

Sully and Laverock Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Irefriw Community Council	1	0	0	0	0	0	0	0	0	0	0	1
Twynn Town Council	0	0	0	0	2	0	0	0	0	0	0	2
TOTAL	112	8	7	13	0	0	0	0	0	18	0	140

National Park Authorities

National Park Authorities	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total Cases Closed
Brecon Beacons	2	0	0	0	0	0	0	2
TOTAL	2	0	0	0	0	0	0	2

FLINTSHIRE COUNTY COUNCIL – STANDARDS COMMITTEE – FORWARD WORK PROGRAMME

Date of Meeting	Topic	Notes/Decision/Action
October 2017	<ul style="list-style-type: none">• Training• Dispensations• PSOW Annual Report• Joint Meeting with Town and Community Councils	2 October - Joint meeting with Town and Community Councils to be attended by the Ombudsman, Mr Nick Bennett
Sept 2107	<ul style="list-style-type: none">• Training• Dispensations• Review of Dispensations• Questions for the Ombudsman	To review the questions for the Ombudsman attending the joint meeting in October

This page is intentionally left blank